

all marine events and suggested various submission times of 60 days or less. A few comments supported the proposed submission time of 90 days for larger events. Another comment suggested requiring a submission time of 105 days to allow for a full environmental impact analysis.

Many comments emphasized planning problems faced by sponsors due to short seasons, volunteer organization officials, long periods of inactivity prior to the boating season start-up events, and difficulty in getting firm, detailed information sooner than 30 days before an event.

The Coast Guard has determined that the best course of action at this point is to withdraw this single issue rulemaking and examine the issue of permit application submission times as part of a broader project to conduct a regulatory review of the entire regatta and marine parade permit process, [CGD 95-054] published elsewhere in this issue. Therefore, the Coast Guard is withdrawing the rulemaking [CGD 87-087] and merging its docket with [CGD 95-054].

Dated: December 18, 1995.

Rudy K. Peschel,

Rear Admiral, U.S. Coast Guard, Chief, Office of Navigation Safety and Waterway Services.
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33 CFR Part 100

[CGD 95-054]

RIN 2115-AF17

Regattas and Marine Parades; Permit Application Procedures

AGENCY: Coast Guard, DOT.

ACTION: Advance notice of proposed rule; request for comments.

SUMMARY: In keeping with the National Performance Review, the Coast Guard is examining its procedures for permitting regattas and marine parades in order to improve its service to event sponsors and affected navigation in the event area. In order to identify and consider the permitting procedures and application requirements which should be modified or removed, the Coast Guard is requesting comments from interested and affected individuals and entities early in the process. This regulatory review seeks to identify better ways to reduce permit application processing time and eliminate unnecessary paperwork without adversely affecting vessel safety in the event area.

DATES: Comments are requested by February 9, 1996.

ADDRESSES: Comments may be mailed to the Executive Secretary, Marine Safety Council (G-LRA/3406) (CGD 95-054), U.S. Coast Guard Headquarters, 2100 Second Street SW., Washington, DC 20593-0001, or may be delivered to room 3406 at the same address between 8 a.m. and 3 p.m., Monday through Friday, except Federal holidays. The telephone number is (202) 267-1477. The Executive Secretary maintains the public docket for this notice. Comments will become part of this docket and will be available for inspection or copying at room 3406, U.S. Coast Guard Headquarters.

The minutes of National Boating Safety Advisory Council (NBSAC) meetings at which regatta and marine parade permit application issues were discussed are available for examination in the docket.

FOR FURTHER INFORMATION CONTACT: Carlton Perry, Project Manager, Auxiliary, Boating, and Consumer Affairs Division, (202) 267-0979. A copy of this notice may be obtained by calling the Coast Guard's toll-free Coast Guard Customer Infoline, 1-800-368-5647. In Washington, DC, call 267-0780.

SUPPLEMENTARY INFORMATION:

Request for Comments

The Coast Guard encourages interested persons to participate in this request for comments by submitting written data, views or arguments. Persons submitting comments should include their names and addresses and identify this notice (CGD 95-054). Please submit two copies of all comments and attachments in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. Persons wanting acknowledgment of receipt of comments should enclose stamped, self-addressed postcards or envelopes.

Background and Purpose

Under 33 U.S.C. 1233, the Coast Guard has discretionary authority to issue regulations to promote the safety of life on navigable waters during regattas or marine parades. Section 100.15 of Title 33, Code of Federal Regulations prescribes the requirements for regatta and marine parade (marine event) permit applications, including: (1) which events require a Coast Guard marine event permit; (2) limiting the validity of a marine event permit to not exceed one year; (3) the timeframe for submitting permit applications; and (4) information the sponsor must provide in an application package.

The Coast Guard reviews all regatta permit applications to determine whether or not a permit is required to hold the event. The Coast Guard checks the permit application package for completeness and contacts the applicant for missing or additional information. Permit applications are reviewed for extra or unusual hazards to the safety of life, such as an inherently hazardous competition; customary presence of commercial or pleasure craft in the area; any obstruction of a navigable channel; and accumulation of spectator craft. The Coast Guard addresses this extra or unusual hazard in a cooperative effort between the event sponsor and the issuing authority, e.g., a Coast Guard Group Commander, throughout the permit application review process. The Coast Guard issuing authority discusses the location and conduct of the event, consults with other affected commands, e.g., Captain of the Port or Vessel Traffic Service Center, assigns and directs safety patrol craft, in addition to sponsor provided safety patrol craft, as deemed necessary, establishes a safety patrol communication plan for use before, during and immediately after the event, and notifies local navigation of the event through the Local Notice to Mariners and often through local media sources, as well.

The Coast Guard may also need to contact Federal, State or local agency offices to determine if there are conflicting activities scheduled in the area. Not all events for which a permit application is submitted require Coast Guard approval. Those applications are returned to the sponsors with notification that the event does not require a permit. If a permit for a marine event is required, the Coast Guard must decide whether the permit should be issued or denied.

When necessary, the Coast Guard promulgates special local regulations in the Federal Register to ensure safety of life on navigable waters before, during, and after an approved marine event. These regulations may include restricted or other controlled movement of navigation through the event area. Before promulgating special local regulations, the Coast Guard must give the public notice and an opportunity to comment on the proposed regulations.

Applications for marine events which require a permit must also be reviewed and evaluated in accordance with Coast Guard procedures for complying with laws to protect the environment. Environmental review may require coordination with Federal, State, or local government environmental agencies to use their special expertise in determining whether the marine event

has the potential for adverse environmental effects. Specific environmental documentation may be required in those cases where a potential for adverse effects exists.

Early Participation

The Coast Guard has consulted previously with the National Boating Safety Advisory Council (NBSAC) on regatta and marine parade permit procedures and their opinions and advice have been considered in the formulation of this notice. NBSAC conducted a regular periodic review of all then current recreational boating safety regulations at its May, 1986, meeting. At its November, 1986, meeting, NBSAC recommended only that the Coast Guard increase the permit application submission time from 30 days to 60 days. NBSAC conducted another regular periodic review of all then current recreational boating safety regulations at its May, 1992, meeting. At that meeting, NBSAC recommended increasing the permit application submission time, possibly with a two tier system. The minutes of NBSAC meetings at which regatta permit application submission times were discussed are available for examination in the docket, at the address under **ADDRESSES**.

The Coast Guard will continue to consult with NBSAC on regatta and marine parade permitting issues as the regulatory project develops.

In 1988, under Coast Guard docket 87-087; RIN: 2115-AC84, the Coast Guard proposed increasing the submission time for all marine events to 90 days prior to an event (53 FR 3221; February 4, 1988). The Coast Guard received 45 letters commenting on the proposal.

Most of the 45 comments on the proposal were submitted by event sponsors, which ranged from small sailing clubs and regional and national sailing or boating associations to a municipality and two commercial fireworks display sponsors. Most of the comments acknowledged or supported a need for some increase in the submission time for permit applications for some events, but objected to the proposed 90-day submission time for all events. A few comments supported the proposed submission time of 90 days for larger events. Another comment suggested requiring a submission time of 105 days to allow for a full environmental impact analysis.

Many comments emphasized planning problems faced by sponsors due to short seasons, volunteer organization officials, long periods of inactivity prior to the boating season

start-up events, and difficulty in getting firm, detailed information sooner than 30 days before an event.

Some other suggestions included: delaying the final decision on a permit application until adequate information is submitted or starting a 60-day review once all needed information is submitted; requiring the applicant to accept more coordination responsibility to help the Coast Guard complete required procedures in less than 90 days; accepting applications up to 30 days late, if accompanied by a \$250 late fee; and streamlining the process by using computer systems for data collection.

Since the Notice of Proposed Rulemaking (NPRM) was published for this rulemaking, the Coast Guard has participated in the National Performance Review and initiated a broader regulatory examination of the entire Regatta and Marine Parade Permit process, including appropriate permit application submission times. Therefore, the Coast Guard is withdrawing the single issue rulemaking project under docket number 87-087, published elsewhere in this issue, and merging that docket with this docket number 95-054. The permit application submission time issue will be included in the broader overall review and revision of the regatta and marine parade permit process regulations and evolve into a proposed rulemaking after consideration of the comments received.

Solicitation of Views

The Coast Guard strives to reach consensus among all stakeholders in waterways activities, across all modes of transportation. These stakeholders generally include, commercial and recreational navigation, marine event sponsors, participants and spectators, environmental interests, and local communities. These customers' needs define Coast Guard marine event permit program workloads and priorities, and customer satisfaction measures the program's success.

The Coast Guard solicits comments from all segments of the marine community, State and local authorities, National Boating Safety Advisory Council (NBSAC), and other interested persons on permit application requirements, including submitted information requirements, and economic, navigational safety, environmental protection, and other impacts of approving permits for marine events. The Coast Guard also requests suggested alternatives related to when a permit should be required, how frequently to submit permit applications

for repetitive events, what time period before the start of an event should an application be submitted to enable the Coast Guard to conduct its analyses, coordination, consultation with other expert agencies and meet its responsibilities to ensure the safety of navigation and protection of the environment, prior to the start of the event. Persons submitting comments should do so as directed under *Request for Comments* above, and specify the area(s) of concern on which comments are being submitted, state what impacts may result from one or more alternatives identified, suggest other alternatives, and provide reasons to support the information provided on potential impact or suggested alternatives. The Coast Guard is particularly interested in receiving information, views, and data on the following questions and areas of concern:

1. Should the Coast Guard Permit Marine Events Located in Navigable Waters of the United States?

In 33 CFR 100.15(a), an application must be submitted to the Coast Guard when a regatta or marine parade which, by its nature, circumstances or location, will introduce extra or unusual hazards to the safety of life of the navigable waters of the United States. Examples of conditions which are deemed to introduce extra or unusual hazards to the safety of life include but are not limited to: An inherently hazardous competition, the customary presence of commercial or pleasure craft in the area, any obstruction of navigable channel which may reasonably be expected to result, and the expected accumulation of spectator craft.

Should a Coast Guard permit be required for any marine events?

What kind of marine events should require a Coast Guard permit?

What circumstances related to a marine event should trigger the requirement to submit an application for Coast Guard approval of the event?

What kind of marine events should not require a Coast Guard permit?

What kind of marine events should the Coast Guard only act on as a coordinator or clearing house of information and advise local navigation of the event by Local Notice to Mariners?

2. Should the Coast Guard Continue to Limit the Effect of a Marine Event Permit to One Calendar Year?

Under 33 CFR 100.15(b), the Coast Guard is authorized to grant a permit for a series of events for a fixed period of time, not to exceed one year. Some events have been held several times

during a year at the same location or locations; other events may be held annually at the same location.

Should the Coast Guard issue multi-year permits for marine events held regularly by a sponsor over several years during the same time period at the same location?

Should the Coast Guard implement fast-track renewals of annual permits for marine events held regularly by a sponsor over several years during the same time period at the same location?

3. How Early Should a Permit Application be Submitted to the Coast Guard Before the Start of a Marine Event?

Under 33 CFR 100.15(c), an application must be submitted no less than 30 days prior to the start of the proposed event. The Coast Guard is currently analyzing its business processes to determine whether and how much additional time before an event date is needed in order to complete processing applications for regattas and marine parades.

The Coast Guard is also considering whether to maintain one minimum time period for submitting all permit applications before the start of an event or establish two minimum time periods, a short time for most permit applications and a longer time for the small number of permit applications that require more time to process. Establishing two minimum time periods could strike a balance between the difficulty many sponsors face to submit detailed permit applications far in advance of a proposed event and the Coast Guard's need for some additional time to conduct necessary navigation safety reviews, to contact appropriate Federal, State and local agencies, to prepare appropriate environmental documents, and to promulgate required special local regulations. Permit applications for most marine events could be submitted a short time (e.g., 30, 45 or 60 days) before a proposed event and allow sufficient time for the Coast Guard to complete processing the permit application. However, permit applications for other marine events that require additional consultation, notification, or documentation should be submitted much earlier before the event (e.g., 60, 90, 105, 120 or more days) or the sponsor may have to cancel the event or postpone it until the Coast Guard completes its required procedures. Submitting permit applications earlier for events for which the Coast Guard must prepare an environmental assessment or promulgate special local regulations should allow sufficient time for the

Coast Guard to complete consulting with environmental agencies and to provide notice and public comment on proposed safety regulations, without unreasonably burdening sponsoring organizations.

Should the Coast Guard retain a single minimum permit application submission time for all marine events?

Should the Coast Guard establish minimum permit application submission times for two or more categories of marine events?

What minimum permit application submission time(s) should the Coast Guard establish for what category(ies) of marine events?

4. What Information Should a Sponsor Provide in a Marine Event Permit Application?

Under 33 CFR 100.15(d), a permit application shall include the following details:

- (1) Name and address of sponsoring organization.
- (2) Name, address, and telephone of person or persons in charge of the event.
- (3) Nature and purpose of the event.
- (4) Information as to general public interest.
- (5) Estimated number and types of watercraft participating in the event.
- (6) Estimated number and types of spectator watercraft.
- (7) Number of boats being furnished by sponsoring organizations to patrol event.
- (8) A time schedule and description of events.
- (9) A section of a chart or scale drawing showing the boundaries of the event, various water courses or areas to be utilized by participants, officials, and spectator craft.

Section 100.15(d), last revised in 1963, does not address collection of any information related to potential adverse impacts that the event may have on the environment in the event area, or mitigation measures for those impacts. In an effort to avoid delaying scheduled marine events due to permit application processing, while still complying with its responsibilities under laws for protection of the environment, the Coast Guard has been accepting information voluntarily provided by event sponsors that address potential impacts the event may have on the environment, any Federal, State or local environmental agencies to sponsor may have contacted and any comments they may have had regarding the event, and other related environmental information.

Under the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), the Coast Guard has previously submitted the existing requirements to the Office of

Management and Budget (OMB) for review under section 3504(h) of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), and OMB approved them. The part number is part 100 and the corresponding OMB approval number is OMB Control Number 2115-0017. Any new information requirements proposed in a rulemaking project developed as a result of comments to this notice will also be submitted to OMB for review and approval.

What information currently required should not be required?

What information related to potential environmental impacts or mitigation of adverse impacts should be required?

What information should be initially submitted to allow the Coast Guard to begin processing the application?

What information should the sponsor be allowed to submit later in the process, but before a permit is issued?

5. What Economic Impacts May Result From Requiring Earlier Permit Application Submission Times or Additional Permit Application Information?

Currently, Coast Guard permit issuing officials rely on statements of coordination made by the sponsor, and when time permits provide notice to affected navigation interests by announcements in a Local Notice to Mariners and direct mailing or telephone contracts, and by publishing needed special local regulations in the Federal Register.

What economic impacts may occur due to longer processing time for the Coast Guard to hold public hearings on safety of life in the event area, provide notice to and receive input from affected navigation, and to consult with appropriate Federal, State and local government environmental agencies on potential adverse impacts the event may have on the environment?

What economic impacts are currently incurred in applying for a Coast Guard marine event permit?

6. Other Factor or Information

Is there any other information you feel may be helpful to assist the Coast Guard in processing permit applications for event sponsors in a timely manner while allowing adequate public notice to navigation and environmental interests, including holding public hearings for certain events; consulting with other Federal, State and local agencies; promulgating special local regulations to ensure vessel safety immediately before, during and after an event; and preparing needed environmental documentation, prior to the date of the event?

What other alternatives regarding the permitting of regatta and marine parades to ensure the safety of life and protection of the environment should the Coast Guard consider?

What other factors or information should be considered in revising Coast Guard procedures for processing permit applications?

All comments received by the Coast Guard as a result of this notice will be summarized and provided to NBSAC members for their consideration and consultation. The Coast Guard will consider all relevant comments in the development of any regulatory project to revise its procedures for processing applications for approval of regattas and marine parades.

Dated: December 18, 1995.

Rudy K. Peschel,

Rear Admiral, U.S. Coast Guard, Chief, Office of Navigation Safety and Waterway Services.
[FR Doc. 95-31217 Filed 12-22-95; 8:45 am]

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33 CFR Part 117

[CGD13-95-051]

RIN 2115-AE47

Drawbridge Operation Regulations; Chehalis River, WA

AGENCY: Coast Guard, DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: At the request of the Washington Department of Transportation, the Coast Guard is considering an amendment to the regulations governing the operation of the Union Pacific railroad drawbridge and the U.S. Route 101 bridge over the Chehalis River at Aberdeen, Washington. The proposed rule would remove the portion of the existing regulations pertaining to the Union Pacific railroad drawbridge because that bridge is no longer in operation and will be removed. The proposed rule would also require one hour notice at all times for opening the drawspan of the U.S. Route 101 bridge for the passage of vessels. Finally, the proposed rule would change the special sound signal for requesting openings of the U.S. Route 101 bridge to the standard signal of one prolonged blast followed by one short blast.

DATES: Comments must be received on or before February 26, 1996.

ADDRESSES: Comments should be mailed to Commander (oan), Thirteenth Coast Guard District, 915 Second Avenue, Seattle, Washington, 98174-1067. The comments and other

materials referenced in this notice will be available for inspection and copying at 915 Second Avenue, Room 3410, Seattle, Washington. Normal office hours are between 7:45 a.m. and 4:15 p.m., Monday through Friday, except federal holidays. Comments may also be hand-delivered to this address.

FOR FURTHER INFORMATION CONTACT:

John E. Mikesell, Chief, Plans and Programs Section, Aids to Navigation and Waterways Management Branch, (Telephone: (206) 220-7270).

SUPPLEMENTARY INFORMATION:

Request for Comments

The Coast Guard encourages interested persons to participate in this rulemaking by submitting written data, views, or arguments. Persons submitting comments should include their names and addresses, identify this rulemaking (CGD13-95-051) and the specific section of this proposal to which each comment applies, and give the reason for each comment. Please submit two copies of all comments and attachments in unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. Persons wanting acknowledgement of receipt of comments should enclose stamped, self-addressed postcards or envelopes.

The Coast Guard will consider all comments received during the comment period. It may change this proposal in view of the comments.

The Coast Guard plans no public hearing. Persons may request a public hearing by writing to the Commander, Thirteenth Coast Guard District at the address under **ADDRESSES**. The request should include the reasons why a hearing would be beneficial. If it determines that the opportunity for oral presentations will aid this rulemaking, the Coast Guard will hold a hearing at a time and place announced by a later notice in the Federal Register.

Drafting Information

The drafters of this notice are Austin Pratt, Project Officer, Thirteenth Coast Guard District Aids to Navigation and Waterfront Management Branch and Lieutenant Commander John C. Odell, Project Attorney, Thirteenth Coast Guard District Legal Office.

Background and Purpose

At the request of the Washington Department of Transportation, the Coast Guard is considering an amendment to the regulations governing the operation of the Union Pacific railroad drawbridge and the U.S. Route 101 bridge over the Chehalis River at Aberdeen, Washington.

The proposed rule would remove the portion of the existing regulations pertaining to the Union Pacific railroad drawbridge because that bridge is no longer in operation and will be removed.

The proposed rule would also amend the current regulations pertaining to the U.S. Route 101 bridge to require one hour notice at all times when requesting an opening drawspan for the passage of a vessel.

Current regulations require the drawspan of the U.S. Route 101 bridge to be opened on signal from one hour before sunrise to one hour after sunset. The Washington State Department of Transportation operates four other drawbridges across the nearby Hoquiam and Wishkah Rivers. These other bridges are presently operated on a one-hour notice basis. In recent years, requests for openings at these bridges have decreased. If the proposed one hour notice for the U.S. Route 101 bridge over the Chehalis River at Aberdeen, Washington, were adopted in conformity with the regulations governing the other bridges in the area, the Washington Department of Transportation would be able to serve all five drawbridges with a single operator.

The U.S. Route 101 bridge over the Chehalis River at Aberdeen, Washington, opened 359 times for vessel transits in the year measured from October 1993 to October 1994. This average somewhat less than one opening per day. The number of openings for the nearby drawbridges on the Wishkah and Hoquiam Rivers averaged 0.23 per day for the same year. These figures indicate that a single operator, provided with one hour notice, could operate all five of these bridges without unreasonable delay.

Under the proposed rule, the weekday closed periods for accommodating commuter traffic on the roadway would remain unchanged, as would the exception for vessels of 5000 gross tons or more. Under the proposed rule, however, vessels of 5000 gross tons or more would be required to provided the proposed one hour notice when requesting an opening during the weekday closed periods.

Finally, under the proposed rule the special sound signal prescribed for requesting an opening at the U.S. Route 101 bridge would also be deleted in order to conform to the standard signal of one prolonged blast followed by one short blast as generally required by 33 CFR 117.15. A unique sound signal is no longer needed because the adjacent Union Pacific railroad drawbridge immediately downstream of the U.S.